



*Office of the United States Attorney
District of Arizona*

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YUMA CUSTOMS OFFICER AND OTHERS INDICTED FOR CONSPIRACY TO BRING ILLEGAL ALIENS INTO U.S.

PHOENIX - A federal grand jury returned a 22-count indictment yesterday against Jose Carmelo Magana, 44, of Yuma, Ariz.; Ana Calderon, 28, of San Luis, Ariz.; and Jesus Gastelum-Rodriguez, 41; Guadalupe Milan de Gastelum, 38; and Brenda Covarrubias, 39, all of San Luis Rio Colorado, Sonora, Mexico. All were arrested in the Yuma area in May 2008 by officials of the United States Department of Homeland Security, Office of Inspector General and the Federal Bureau of Investigation.

The indictment alleges that between October 3, 2007 and May 12, 2008, Magana, Covarrubias, Calderon, Gastelum-Rodriguez and Milan de Gastelum conspired to bring illegal aliens into the U.S. It is also alleged that Covarrubias, Calderon and Gastelum-Rodriguez and Milan de Gastelum bribed a public official and that Magana, an officer employed by U.S. Customs and Border Protection, accepted bribes as a public official. The charges and applicable penalties are listed in the chart below. In determining an actual sentence, the assigned U.S. District Judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. Judges, however, are not bound by those guidelines in determining a sentence.

Defendant	Counts Charged	Penalty (per count)
Jose Carmelo Magana	1, 2, 3, 5, 6, 7, 9, 10, 12, 13, 15, 16, 17 19, 20, 22	5 yrs/\$250,000 (Ct. 1) 10 yrs/\$250,000, 3 yrs minimum mandatory (Cts. 2 and 3) 15 yrs/\$250,000, 5 yrs minimum mandatory (Cts. 6, 7, 10, 13, 16, 17 and 20) 15 yrs/\$250,000 (Cts. 5, 9 12, 15, 19 and 22)
Brenda Covarrubias	1, 2, 3, 4, 6, 7, 8, 10, 11, 16, 17, 18, 20, 21	5 yrs/\$250,000 (Ct. 1) 10 yrs/\$250,000, 3 yrs minimum mandatory (Cts. 2 and 3) 15 yrs/\$250,000, 5 yrs minimum mandatory (Cts. 6, 7, 10, 16, 17 and 20) 15 yrs/\$250,000 (Cts. 4, 8, 11, 18 and 21)

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Ana Calderon	1, 2, 3, 4, 6, 7, 8, 10, 11, 13, 14, 16, 17, 18, 20, 21	5 yrs/\$250,000 (Ct. 1) 10 yrs/\$250,000, 3 yrs minimum mandatory (Cts. 2 and 3) 15 yrs/\$250,000, 5 yrs minimum mandatory (Cts. 6, 7, 10, 13, 16, 17 and 20) 15 yrs/\$250,000 (Cts. 4, 8, 11, 14, 18 and 21)
Jesus Gastelum-Rodriguez	1, 2, 3, 4, 6, 7, 8, 10, 11, 16, 17, 18, 20, 21	5 yrs/\$250,000 (Ct. 1) 10 yrs/\$250,000, 3 yrs minimum mandatory (Cts. 2 and 3) 15 yrs/\$250,000, 5 yrs minimum mandatory (Cts. 6, 7, 10, 16, 17 and 20) 15 yrs/\$250,000 (Cts. 4, 8, 11, 18 and 21)
Guadalupe Milan de Gastelum	1, 6, 7, 8, 13, 14, 16, 17, 18, 20, 21	5 yrs/\$250,000 (Ct. 1) 10 yrs/\$250,000, 3 yrs minimum mandatory (Cts. 6 and 7) 15 yrs/\$250,000, 5 yrs minimum mandatory (Cts. 13, 16, 17 and 20) 15 yrs/\$250,000 (Cts. 8, 14, 18 and 21)

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation in this case was conducted by the Department of Homeland Security, Office of the Inspector General and the FBI with assistance from U.S. Customs and Border Protection and the Drug Enforcement Administration. The prosecution is being handled by Joseph E. Koehler, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR-08-0546-PHX
RELEASE NUMBER: 2008-141(Magana, et al)

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